

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

JEFFREY R. SEDGWICK  
Plaintiff,

v.

PEROUTKA & PEROUTKA, P.A.  
STEPHEN G. PEROUTKA  
MICHAEL A. PEROUTKA  
SEAN P. DALY  
CAPITAL ONE BANK (USA), N.A.  
Defendants.

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CIVL ACTION NO. AW-13-cv-611

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**ORDER**

The Court is in receipt of Plaintiff's Complaint, accompanied by a motion for leave to proceed in forma pauperis, and an affidavit in support thereof.<sup>1</sup> (ECF No. 2). Plaintiff has satisfied 28 U.S.C. § 1915(a) indigency requirements and the motion shall be granted. In light of Plaintiff's indigency status, the Complaint shall be served by the United States Marshal as set forth below. *See* Fed. R. Civ. P. 4(c)(2). It does not appear that Plaintiff has furnished a U.S. Marshal service of process form for the named Defendants in this case, nor has Plaintiff provided service copies of the Complaint. Until Plaintiff cures this problem, service as to those Defendants shall not be issued. The Clerk shall be directed to mail a copy of the Marshal form for each named Defendant to Plaintiff, who must complete and return them to the Clerk within twenty-one (21) days from the date of this Order.<sup>2</sup> In addition, Plaintiff will be required to furnish service copies of the Complaint. Failure to comply with this Order may result in

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<sup>1</sup> Plaintiff asks that his indigency application be placed under seal, but offers no reason for doing so. (ECF No. 3). A review of the application reveals no personal identifier or other sensitive information. Therefore, the Motion shall be denied.

<sup>2</sup> Plaintiff may contact the office of the State Department of Assessments and Taxation at <http://www.dat.state.md.us/sdatweb/charter.html#other> or (410) 767-1330 to obtain the name and service address for the resident agent of Defendant Capital One Bank (USA), N.A.

dismissal without prejudice of Plaintiff's Complaint. Once the forms and the service copies of the Complaint are received, the Clerk and the U.S. Marshal are directed to take all necessary steps to effectuate service of process.

Accordingly, it is this 8<sup>th</sup> day of March, 2013, by the United States District Court for the District of Maryland, hereby ORDERED that:

1. The Clerk SHALL MAIL a copy of this order, together with five copies of the U.S. Marshal service of process form, to Plaintiff;
2. Plaintiff's Motion for Leave to Proceed In Forma Pauperis (ECF No. 2) IS GRANTED;
3. Plaintiff's Motion to Seal Application to Proceed In Forma Pauperis (ECF No. 3) IS DENIED;
4. Plaintiff SHALL BE REQUIRED to inform this Court of any change of address during the pendency of this action, pursuant to Local Rule 102.1.b.iii. (D. Md.2011);
5. Plaintiff IS GRANTED TWENTY-ONE (21) days from the date of this Order in which to complete the U.S. Marshal forms and return them to the Clerk and to furnish service copies of the Complaint. Plaintiff is cautioned that the failure to return the completed U.S. Marshal forms and to furnish service copies of the Complaint in a timely and complete manner may result in the dismissal of this case without prejudice and without further notice from the Court;
6. Upon receipt of the U.S. Marshal forms and service copies of the Complaint, the Clerk IS DIRECTED to issue summons, Complaint, and the U.S. Marshal forms and a **COPY OF THIS ORDER** to the U.S. Marshal.

7. The U.S. Marshal IS DIRECTED to effectuate service of process on the named Defendants at the addresses provided by Plaintiff. If the U.S. Marshal uses U.S. Postal Service delivery to effect service on Defendants, it shall do so by **RESTRICTED DELIVERY, CERTIFIED MAIL**; and
8. The Clerk IS DIRECTED to MAIL a copy of this Order to Plaintiff and IS FURTHER DIRECTED to furnish a copy of this Order to the United States Marshal to be utilized as an attachment for the return of service.

\_\_\_\_\_/s/\_\_\_\_\_  
Alexander Williams Jr.  
United States District Judge